

**WATER POLLUTION CONTROL AUTHORITY
SPECIAL MEETING MINUTES OF JANUARY 13, 2010**

Members Present: John Konrad, Chair
Bruce Allen
Todd Rolland
Jim Williams
Bob Maynard

Others Present: Dave Smith, Town Engineer
Linda Farmer, Director of Planning & Community Development
Rob Miller, Eastern Highlands Health District

1. Call to Order. John Konrad called the meeting to order at 7:00p.m. at the Hicks Memorial Municipal Center, Conference Room C.
2. Amendment to previous motion regarding Revision of Sewer Service Area to include 15 Old Post Road. Linda Farmer explained that the amendment needed to be clarified to note the 19 Old Post Road address and that 6,000 gpd is to be allocated to the parcel to be owned by the Town and 6,000 gpd to the remaining land known as 15 Old Post Road. Dave Smith said these items are buried in the details of the minutes but need to be incorporated into the specifics of the motion.

Jim Williams/Todd Rolland motion to amend the motion from the previous meeting to read as follows:

Amend the Sewer Service Area to include the 19 acre parcel known as 15 Old Post Road, contingent on the title for 7.2 acres of the property transferring to the Town of Tolland (property to be known as 19 Old Post Road) and allocating 6,000 gpd to the parcel owned by the Town and 6,000 gpd to the remaining land known as 15 Old Post Road.

There was no discussion. A vote was taken and the motion was unanimously approved.

3. Pump-out Ordinance. John Konrad distributed copies of a letter he received from Town Manager Steve Werbner. The letter, while supportive, suggested that a pump-out ordinance would be too burdensome financially and administratively for the town. Dave Smith said the discussion came about when he, Steve Werbner, and Kurt Mailman were discussing the Route 195 sewer project. He said Kurt Mailman was explaining that the Facilities Plan needs to have enough teeth in it for the Department of Environmental Protection to embrace it, but must also provide enough latitude for the community to accomplish tasks. He said discussion turned to possibly taking things in smaller steps, starting first with a more intensive educational approach to getting residents to understand the importance of pumping out their septic tanks. He said that the Health District had previously considered doing a district-wide

pump out ordinance, but while they felt it was important, they also felt there was a need to get residents to do this voluntarily so as not to overburden staff.

Rob Miller proposed a schedule of implementation, as they do not want to create a regulation that is insensitive to the demands on staff. Bruce Allen asked if they could work a document that states the Town “recommends” pumping out septic systems every so many years. Dave Smith said they already provide this to residents of new homes when they issue a Certificate of Occupancy, but it does not go out to people who purchase existing homes. Linda Farmer said they are working with the library because they do a “welcome wagon” type of packet that goes to all new residents, and would like to include this information.

Linda Farmer added that the Plan of Conservation and Development strongly supports an ordinance and she believes the Board has the authority to adopt an ordinance, but they need to make sure they have the resources to implement it. She said they have lost two secretarial staff members recently and need to plan in advance to have staff resources available. She suggested it would be good to do an intensive education for residents, then possibly work toward a required pump-out on a smaller scale, after the Phase II Facilities Plan has been accepted.

Dave Smith said they might want to leverage the desire of residents to stay off the higher monitoring list by proactively contacting residents who live in the areas of identified concern to get them to pump out, which would be preferable to sewers.

John Konrad said he was surprised to get a letter from the Town Manager so soon in the process, because they have not yet crafted an ordinance. Linda Farmer said this is likely because the town is now in budget mode and is looking at costs and resources.

Rob Miller said a rough educated guess is that about 50 percent of the town pumps out their septic systems every five years. John Konrad asked if there is some way to put teeth into an ordinance without overburdening staff. Todd Rolland brought up the subject of soft enforcement, such as the town already does with not issuing building permits if taxes are not paid. Linda Farmer said this would require setting up a database and possibly adding a module to our permit tracking software. Rob Miller said if there is a trigger, then there would need to be some type of ordinance, which would then require the need for some type of enforcement.

Rob Miller suggested they could mandate that pumper/haulers register with the Town and be required to submit pumping records to the Town. Linda Farmer said she does not feel that aspect would be too burdensome. She said they would need a fairly large window for establishing a database to track pumpouts every five years. She also noted that there will be some people in town who have pumped out four years ago, but won't be able to provide proof.

John Konrad asked why they would need to require pumper/haulers to register with the Town. Dave Smith said it would be a way to have control, as they could communicate to pumper/haulers that if they wish to maintain doing business in town, they must provide their pumping data. John Konrad said he would like to see that they are getting the information so they could track when someone is due to pump out again. Jim Williams agreed, saying that by getting the data it would also show them who is not pumping out. Then they would know who to focus on more strongly for education.

Rob Miller said that getting read data on hand now would serve as a powerful tool for a mandated pump-out ordinance in the future. He said he feels that mandating registration will be important in compelling pumper/haulers' compliance and cooperation in submitting data. He said it is easier to control the pumper/haulers than it would be residents. Dave Smith said that also by having a list of pumper/haulers that service the area, they can provide that list to new residents. He said it might be an attractive feature to pumper/haulers to know their name is on the list of registered haulers that is provided to residents. Jim Williams asked if it might be feasible to have pumpers pay a fee for registration, but if the homeowner submits the information on line, the fee would be waived.

Todd Rolland asked if they could mandate registering pumper/haulers without an ordinance. Dave Smith asked if there are any requirements for minimum reporting that would provide the Town with a picture of the condition of septic systems. Rob Miller said there are no standards in minimum reporting but there are a number of models available that ask such questions as whether there was any flowback after pumping, what is the sludge depth, whether there was any surface discharge observed and questions about water level. He said he would expect, however, there would be some pushback on reporting this. Bruce Allen said they would want to have a standardized form for all pumper/haulers to use in reporting. Linda Farmer said they would want to check if rehab funds are available for those who cannot afford to have their septic systems pumped.

John Konrad said part of the Facilities Plan was to have a pump-out ordinance, and now they are stepping back from it. He said the public was very much in favor of a pump-out ordinance at the Public Hearing a year ago, particularly when they were weighing the costs of complying with an ordinance vs. installing city sewers. He said this should give them strong motivation to put through Phase I of a pump-out ordinance, which would be intensive education.

Dave Smith said it would be good to have on hand data for a few years to give them a picture of how big the problem is. He said then if they find they have a significant problem, they might be able to set up a program where the fees charged could pay for additional staff.

From a legal standpoint, Rob Miller said it is the Health Department's responsibility to sign orders on any violations. He said their discussion about requiring pumper/haulers to register and report data is similar to what is being done now with the Ledge Light Health Department, which covers the Groton, New London, and Waterford area. He noted that Ledge Light does not renew permits to discharge, which would typically be after five years, and that in reality most health departments do not do this because it is not expected and to implement it would require tremendous resources. However, it is starting to become an issue now because it can be a revenue generator for health departments.

Jim Williams suggested requiring homeowners to register on line before they have their systems pumped. Linda Farmer said they may have to acquire software for this to be done. Bruce Allen said he would not expect data recording to be too burdensome as they could just record the information that comes in from pumper/haulers on an Excel file. Dave Smith said it might be simple enough to incorporate something like this into their GIS data.

Rob Miller asked if they had a sense of how many resources the town might be willing to commit. Linda Farmer said one of her secretaries died recently and she would not like to lose that position. She said it would be good to have an idea of how many clerical hours might be needed so she could go into the budget meeting with that information. Rob Miller said if they want something to happen with an ordinance, they need to first start by getting the data. They need to develop the form and structure, determine the costs, and bring that information to the Town. He said to gather that data would require an ordinance, but one that only compels pumper/haulers.

Jim Williams asked if they can get this data from an on-line document. Linda Farmer said they are working with CRCOG on a program involving building permits. Jim Williams suggested trying to get some summer help from an I.T. person from UConn. Todd Rolland said then that he sees the focus now is on producing an ordinance that requires pumper/haulers to register and provide the Town with data and to do an educational program with residents.

Rob Miller asked how the DEP might look at this approach with regard to the Facilities Plan. Dave Smith said it comes down to having enough teeth in the Plan. He said they need to demonstrate to the DEP that they have a plan to prevent the pollution of Connecticut waters and that they are showing they are trying to get a handle on the magnitude of the problem. He said the reports would also provide hard evidence of problem areas. Linda Farmer said they could submit a phased pump-out plan.

John Konrad asked what they would do with the gathering of data. He said they are trying to catch those who don't pump and who are therefore most likely polluting. Dave Smith said that nobody is going to self-incriminate. John Konrad said his concern is that if they gather data for five years only to find that they really did need an ordinance, then they have wasted five years. Linda Farmer suggested putting a line item in their budget requesting software designed to handle this. Rob Miller said that if the end result will be a pump-out ordinance no matter what, then data gathering is moot. He said that if the CT statutes for a permit to discharge runs out after five years, then people should pump out at least once every five years. He said their health department recommends pumping out every three to five years depending on family size and other factors, and he would recommend getting at least three years of data, possibly five. He also noted that people don't generally pump yearly unless they do have a problem.

Jim Williams said this should not be a negative. This should be about protecting your town. He said they need to report to the Town Council and Steve Werbner how much something like this will cost. Rob Miller provided copies of the Health Department's district-wide pump-out ordinance which had some rough estimates on a projected budget. To set up a permit tracking system for the entire district was estimated to cost \$27,000; however to do a system upgrade by purchasing another module to accommodate the ordinance would cost more in the neighborhood of \$7,000. Then the public information component for printing and postage would cost another \$3,000. Therefore he estimated this might cost Tolland \$5,000 to \$10,000 for either a software upgrade or to create something new.

Bob Maynard said that they could make use of Google-docs to be set up as an intra-device. These documents are free and would put the burden on pumper/haulers to enter their

information. The only problem with this is that pumper/haulers would have access to their competitors' customers.

John Konrad asked if Rob Miller could provide a list of licensed pumpers in Connecticut. Rob Miller said he could do this. He said they can get a comprehensive list from the State. He said there are a few pumper/haulers that will come from out of the area, but they have to be licensed in Connecticut. Dave Smith said there is also an association of pumper/haulers and installers and they could get the word out to them about an ordinance through that. Rob Miller said pumper/haulers will very likely show up at the Public Hearing.

Rob Miller said the State Health Department is required to review and approve any ordinance and that the person who does this is currently away on maternity leave until March. However, his office could get this in the queue and possibly make some noise to have it looked at sooner by someone else if necessary.

John Konrad said he would like to leave this meeting this evening with an action plan. Bruce Allen said they will likely need to use their monthly meetings to move this along. It was agreed that there may be a need to hold another special meeting. Dave Smith suggested creating a subcommittee of a few of their members to work through the particulars and report back to the WPCA. Linda Farmer said it does not have to be a public meeting unless there is a quorum, but if there is a quorum then they just need to publicize it. Rob Miller asked why if the WPCA sets the sewer rates for the town, why they cannot factor in the costs into the rates. Dave Smith explained that they do not have enough users right now and so it would not be fair as this is a town-wide initiative. Rob Miller also noted there is language in the CT Public Health Code that states the health department issues permits to pumpers/haulers to pump and dispose of sewage. However, he said what is missing is any requirement in the language that the pumper/haulers provide data.

Jim Williams said the idea of a subcommittee sounds good to him, and that they do not want to lose sight of the bigger picture, that is to protect the aquifer. He said he is excited about the possibility of doing an ordinance and setting an example for other towns to pattern after them.

The following action plan was agreed upon:

- Jim Williams will revise the ordinance boiler plate
- Bob Maynard will look into the potential of using a Google-doc.
- John Konrad will get information from the association of pumpers
- Linda Farmer will provide a list of all properties in town.

4. Adjournment. Bruce Allen/Todd Rolland motion to adjourn the meeting and pay the clerk at 8:26p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile